



MINUTES

- I. The regular monthly meeting of PERB was held on August 16, 2018, 12:00 p.m. at PERB headquarters. Chairman Charles Murphy presiding, Board Member Ann Hoffman, Board Member Barbara Somson, Board Member Mary Anne Gibbons and Board Member Douglas Warshof were present.
- II. Staff attendance: Executive Director Clarene Phyllis Martin, Lindsey Maxwell, David McFadden, Merlin George, Alexis Anderson, Royale Simms and Najibah Almahdi.
- III. Minutes as amended were approved for both the June 21st and July 26th Board meetings.
- IV. Executive Director reported the following:
 - July Case Management Report:
 - Administratively Dismissed: 0
 - Cases Settled/Withdrawn: 5
 - Closed by Decision and Order: 3
 - Number of Cases Opened in July: 4
 - Number of Cases Closed in July: 8
 - Total Number of Cases Opened in FY '18: 65
 - Total Number of Cases Open: 46
 - Total Hearings: 7
 - Total Mediations: 25
 - The Public Employee Relations Board welcomed Royale Simms to the staff on August 6th as the new Attorney-Advisor. He is a graduate of Morehouse College and the David A. Clark School of Law. In addition, he is a former employee of the American Federation of Teachers.
 - Lindsey Maxwell presented a report on PERB cases. A data comparison of 2016-2018 PERB cases was distributed to the staff and Board members. The report, created by Andrea Lozada, was compiled from Time Matters. The three charts reflected the following data:

Chart #1: Types of cases opened per year.

[We are opening more new cases than we have in the past two years. Director Martin believes that the increase in case

filings may be due to the increase in timeliness and responsiveness from PERB. The subsequent reduction in processing time may have had a direct impact on the significant increase.]

Chart #2: Types of cases closed per year.

[The average number of case closures per year is consistent from 2016-2018.]

Chart #3: Average days to close cases by type.

[Processing time of cases has shortened during the time period of the sample taken, with the exception of Standard of Conduct cases. The data reflects the large number of cases which were settled or withdrawn prior to mediations.]

V. Public Forum- There was no attendance from the public.

VI. Docket:

Lindsey Maxwell summarized the following five cases appearing on the case docket for Board consideration.

A. American Federation of State, County and Municipal Employees, District Council 20 v. Office of the State Superintendent of Education and International Brotherhood of Teamsters, Local 639

PERB Case No. 17-N-04

Before the Board is a Motion for Reconsideration filed on April 17, 2018, by OSSE in response to the Board's Decision and Order in Opinion 1659. OSSE alleges that the Board erred in its conclusion that the proposed article on leave was negotiable.

B. Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee

PERB Case No. 18-A-05

On December 6, 2017, MPD filed this Arbitration Review Request seeking review of an Arbitration Award regarding the termination of Officer Paul Lopez. The Department claims that the Award is, on its face, contrary to law and public policy.

C. American Federation of State, County and Municipal Employees, District Council 20, Local 2921 and DC Public Schools

PERB Case No. 18-N-02

This case was tabled from the last meeting. The Union and DCPS are engaged in bargaining concerning non-compensation matters. On October 13, 2017, the Union filed this Negotiability Appeal ("Appeal"). The Appeal concerns seven proposals made by the Union and declared nonnegotiable by DCPS. DCPS filed a timely Answer to the Appeal.

D. American Federation of Government Employees, Local 2978 and Health and Emergency Preparedness and Response Administration

PERB Case No. 18-RC-01

The union filed a petition for exclusive representation in January of this year. On June 26, the Board ordered an election. That election was successfully conducted by staff and the election results are before the Board for certification.

E. American Federation of Government Employees, Local 631 v. Water and Sewer Authority

PERB Case No. 18-U-17

This case comes to the Board through a Motion for Reconsideration filed by Local 631 in response to the Board's Decision and Order in Opinion 1665. In that decision, the Board dismissed Local 631's allegations that WASA committed unfair labor practices by refusing to engage in separate negotiations with Local 631 over the impact and effects of a performance management system.

It was moved to close the meeting to the public for deliberations in accordance with D.C. Official Code § 2-575(b) (13). The motion passed unanimously. The meeting was closed for deliberations.

Following deliberations, the meeting was opened to the public. The Board voted as follows:

American Federation of State, County and Municipal Employees, District Council 20 v. Office of the State Superintendent of Education and International Brotherhood of Teamsters, Local 639

PERB Case No. 17-N-04

It was moved and seconded and unanimously decided as follows:

The Board grants OSSE's Motion for Reconsideration in part. The Board finds that the proposal, as it may apply to employees hired prior to September 30, 1987, is nonnegotiable. The rest of the motion fails to provide authority which compels reversal. The remainder of the Motion for Reconsideration is denied

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

Metropolitan Police Department v. Fraternal Order of Police/Metropolitan Police Department Labor Committee

PERB Case No. 18-A-05

It was moved and seconded and unanimously decided as follows:

The Board rejects the Metropolitan Police Department’s arguments and finds no cause to set aside or modify the Arbitrator’s Award. The Metropolitan Police Department’s request is denied and the matter is dismissed in its entirety with prejudice.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

American Federation of State, County and Municipal Employees, District Council 20, Local 2921 and DC Public Schools

PERB Case No. 18-N-02

It was moved and seconded and unanimously decided as follows:

1. The Union’s proposal Article 1: Recognition Coverage is negotiable.
2. The Union’s proposal Article VII: Schedules is nonnegotiable.
3. The Union’s proposal Article VIII: Leave is negotiable in part and nonnegotiable in part.
4. The Union’s proposal Article VIII: Leave Section M is partially negotiable.
5. The Union’s proposal Article XVIII is nonnegotiable.
6. The Union’s proposal concerning “transfer and workforce changes” is partially negotiable. Sections A(3) and (5) are nonnegotiable.
7. The Union’s proposal concerning “Light Duty” is nonnegotiable.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

American Federation of Government Employees, Local 2978 and Health and Emergency Preparedness and Response Administration

PERB Case No. 18-RC-01

It was moved and seconded and unanimously decided as follows:

The Board finds that, having received no objections concerning the conduct of the above-described election proceeding, pursuant to Board Rule 515.3, the results of the election, as reported, are hereby certified.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

**American Federation of Government Employees, Local 631 v.
Water and Sewer Authority**
PERB Case No. 18-U-17

It was moved and seconded and unanimously decided as follows:

The Board finds that Local 631 has not provided any authority which compels reversal of the Board's finding that WASA did not commit an Unfair Labor Practice. Therefore, the Motion for Reconsideration is denied.

Member	In Favor	Opposed	Table
Charles Murphy	X		
Ann Hoffman	X		
Barbara Somson	X		
Mary Anne Gibbons	X		
Douglas Warshof	X		

VII. New Business

None.

The meeting adjourned at 1:30 p.m.

Prepared by: Najibah Almahdi, Administrative Officer